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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	Case No. 4:21-MJ-71091-MAG
)	
Plaintiff,)	STIPULATION AND PROTECTIVE ORDER
)	[PROPOSED]
v.)	
)	(MODIFIED BY THE COURT)
ALIREZA MOHEB,)	
KEVIN RAMIREZ,)	
)	
Defendants.)	

With the agreement of the parties, the Court enters the following Protective Order:

Defendants are charged with violations of 21 U.S.C. §§ 846, 841(a)(1), and (b)(1)(C), and 846, 843(a)(3). Upon receipt of a discovery request, the United States will produce documents and other materials pertaining to the defendants and the charged offenses to defense counsel. The discovery to be provided includes documents or other materials falling into one or more of the following categories (collectively, "Protected Information"):

1. Personal Identifying Information of any individual (other than his or her name), including without limitation any person's date of birth, social security number, residence or business address, telephone numbers, email addresses, driver's license number, professional license

- 1 number, family members names, or criminal histories (“Personal Identifying Information”);
- 2 2. Financial information of any individual or business, including without limitation bank
- 3 account numbers, credit or debit card numbers, account passwords, contact information, and
- 4 taxpayer identification numbers (“Financial Information”); and
- 5 3. Medical records or other patient information of any individual covered by the Health
- 6 Insurance Portability and Accountability Act of 1996 (HIPAA) (“Medical Information”).

7 To ensure that Protected Information is not subject to unauthorized disclosure or misuse,

8 **IT IS HEREBY ORDERED** that defense counsel of record, their investigators, assistants, and
9 employees (collectively, “the Defense Team”) may review with the defendant all discovery material
10 produced by the government, but shall not provide a defendant with copies of, or permit defendant to
11 make copies of, or have unsupervised access to, any discovery material produced by the government that
12 contains Protected Information, unless the Personal Identifying Information, Financial Information,
13 and/or Medical Information has first been **entirely redacted** from the discovery materials. The
14 government and defense counsel are ordered to work together to ensure that these materials are
15 protected, but that defendant has as much access to the materials as can be provided consistent with this
16 Court’s order. Discovery material that clearly pertains to a specific defendant and does not contain
17 Protected Information regarding any other person (*e.g.*, defendant’s own bank records, telephone
18 records, and business records) may be provided to that defendant unredacted.

19 The Defense Team may show witnesses Protected Information in the course of preparing a
20 defense if the witness, by reason of their participation in the proceeding, would have seen or had reason
21 to know such information. Witnesses may only view Protected Information in the presence of the
22 Defense Team, and the Defense Team agrees to keep a log reflecting the date(s) on which a particular
23 witness viewed Protected Information and what specific Protected Information was viewed.

24 Defense counsel may also provide unredacted copies of Protected Information to any experts
25 retained to assist with the preparation of the defense in the captioned case. The defendant, all members
26 of the defense team, and any experts who receive discovery under this Order shall be provided a copy of
27 this Order along with those materials and shall initial and date the order reflecting their agreement to be
28 bound by it.

1 The materials provided pursuant to this protective order may only be used for the specific
2 purpose of preparing or presenting a defense in this matter unless specifically authorized by the Court.

3 This Order shall also apply to any copies made of any materials covered by this Order.

4 **IT IS FURTHER ORDERED** that neither a defendant nor any member of the Defense Team
5 shall provide any discovery material produced by the government—whether or not the material
6 constitutes or contains Protected Information within the meaning of this Order—to any third party (*i.e.*,
7 any person who is not a member of the defense team) or make any public disclosure of the same, other
8 than in a court filing, without the government’s express written permission or further order of this Court.
9 If a party files a pleading that references or contains or attaches Protected Information subject to this
10 Order, that filing must be under seal.¹ Requests to file under seal must comply with Criminal Local Rule
56-1.

11 **IT IS FURTHER ORDERED** that after any judgment or disposition has become final and there
12 are no pending proceedings, challenges, appeals, or habeas motions in the case, defense counsel shall
13 notify the government so that the government can request materials subject to this Protective Order
14 (including any copies) be returned to the United States. To the extent that the Defense Team intends to
15 maintain possession of the Protected Information, it must so do under conditions specified in this
16 Protective Order. If the Defense Team cannot ensure that the material will be kept under the conditions
17 specified in this Order, the Defense Team will destroy the material. After the United States receives
18 documents and materials subject to this Order, it shall maintain those documents and materials until the
19 period for filing a motion under 28 U.S.C. § 2255 has expired. After the statutory period for filing a
20 motion under 28 U.S.C. § 2255 has expired, the United States is free to destroy documents and materials
21 subject to this Order. If defendant is represented by counsel and files a motion pursuant to 28 U.S.C.
22 § 2255, the United States will provide counsel with the documents and materials subject to this
23 Protective Order under the terms of this Order.

24 This stipulation is without prejudice to either party applying to the Court to modify the terms of
25 any protective order. This Court shall retain jurisdiction to modify this Order upon motion of either
26 party even after the conclusion of district court proceedings in this case.

27
28 ¹ ~~This Order authorizes such filings under seal and the parties are not required to seek additional
authorization from the Court to do so.~~

1
2 **IT IS SO STIPULATED.**

STEPHANIE M. HINDS
Acting United States Attorney

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5 Dated: August 2, 2021

6 /s/
MOLLY A. SMOLEN
Assistant United States Attorney

7
8 /s/
JAMES LASSART
Counsel for Defendant AliReza Moheb

9
10 /s/
RONI ROTHOLZ
Counsel for Defendant Kevin Ramirez

11
12
13 **IT IS SO ORDERED.**

14
15 Dated: August 4, 2021

16 *Virginia K. DeMarchi*
HON. VIRGINIA K. DEMARCHI
United States Magistrate Judge